



Milwaukee Police Department

Police Administration Building
749 West State Street
Milwaukee, Wisconsin 53233
<http://www.milwaukee.gov/police>

Alfonso Morales

Chief of Police

(414) 933-4444

March 29, 2019

MuckRock News
DEPT MR 70518
411A Highland Ave
Somerville, MA 02144-2516

Dear Caroline Haskins:

This letter is in response to your records request dated March 15, 2019, in which you have made a request for records pursuant to the Wisconsin Public Records Law. Wis. Stat. §§ 19.31-39. You have requested:

- Records regarding Palantir Software (See attached request)

The public policy in this state is to give the public the greatest amount of access to government records as possible. Wis. Stat. § 19.31. The general presumption is that government records are open to the public unless there is a clear statutory or common law exception. If there is no clear statutory or common law exception the custodian must "decide whether the strong presumption favoring access and disclosure is overcome by some even stronger public policy favoring limited access or nondisclosure." *Hempel v. City of Baraboo*, 2005 WI 120, § 28 (Citations omitted). Notwithstanding the presumption of openness, the public's right to access to public records is not absolute. *Journal/Sentinel v. Agerup*, 145 Wis. 2d 818, 822 (Ct. App. 1988).

Upon review of your request and upon inspection of MPD's records, the records custodian has determined that there are no records that are responsive to your request regarding Palantir software. Under Wisconsin law, a records custodian need not create a new record in response to a records request for a nonexistent record. Wis. Stat. § 19.35(1)(L).

This determination is subject to review by *mandamus* action under Wis. Stat. § 19.37(1), or upon an application to the Wisconsin Attorney General or the Milwaukee County Corporation Counsel.

Sincerely,

ALFONSO MORALES
CHIEF OF POLICE

KERRY NAMIN
POLICE SERGEANT

AM:KN:sw
J05282 Reference letter

Wisconsin Open Records Act Request: Palantir documents, Milwaukee (Milwaukee Police Department)

70518-96650453@requests.muckrock.com

Fri 3/15/2019 2:42 PM

To: Records, Open <mpdopenrecords@milwaukee.gov>;

Milwaukee Police Department
ORA Office
P.O. Box 531
Milwaukee, WI 53210

March 15, 2019

To Whom It May Concern:

Pursuant to the Wisconsin Open Records Act, I hereby request the following records:

Media reports state that the police departments around the country have made use of Palantir's software (https://www.bloomberg.com/features/2018-palantir-peter-thiel/). Therefore, I am requesting the following records related to the above program:

- * Any software and algorithms developed for the implementation of the program. I'm particularly interested in any algorithms that have a public policy outcome, such as providing guidance on a policy or an assessment of an individual. More generally, I would like any software that was developed by or with, given to, used by, purchased or licensed to this agency for implementation of the above referenced program. This would include original source code, any compiled binaries (also known as executables), spreadsheets, program scripts, and other digital materials used to calculate any data in the above program. It would also include the input training data for machine learning algorithms. Collectively, these responsive materials will be referred to as "the software" in the following paragraphs.
- * All instructional materials, presentations and presentation materials (including recorded video and audio, PowerPoint files, prepared remarks, and slides formats), and other guidance on the use of "the software." This includes any notes taking during meetings that discussed the use of the software, any explanations (whether internally or externally generated) of how the software works, and any other document that has been used to help explain the use of "the software" to any party, including internal documentation, public relations materials, and executive summaries. This also includes any description of input and output data fields that will aid in understanding the type of information that is submitted to the software, and that is produced by the software.
- * A copy of any privacy impact assessments, use policies, standard operating procedures, data retention policies, legal opinions, warranties, non-disclosure agreements, contracts, liability waivers, insurance agreements, Requests for Proposals, Responses to Requests for Proposal, Memorandums of Understanding, Letters of Interest, usage policies, or informal agreements that reference "the software" or otherwise guide its use or the relationship between this agency and the provider or developer of the software.
- * A copy of any funding opportunity announcements, grant applications and grantor status/progress reports, reports to legislative bodies, annual reports that mention the use of the Software, as well as audit records, including but not limited to security audits of the software, misuse reports, and reports to oversight bodies.
- * A copy of any validation studies conducted with respect to the program or with respect to any software or algorithms used in connection with the program, and a copy of any records pertaining to inquiries for the need of validation studies, or discussion of potential or actual validation studies. By "validation study," I mean any study designed to assess how accurate the program is in predicting what it is supposed to predict, or to assess whether the program may err in the direction of either under- or overestimating likelihoods or predicted outcomes, or may produce any results that are biased or unexpected in any way.
- * For the aspects of the software that require an input, for example, to compute a value, we request a copy of the five most recent sets of data that were used for input, as well as the five most recent outputs of the software, in whatever their native format is. If

MAR 15 PM 2:00

J05282

these inputs or outputs include exempt information, we ask that you exempt only that information which is specifically exempted from law, and provide the other material. The requested documents will be made available to the general public, and this request is not being made for commercial purposes. It will be used in the course of reporting for Motherboard, VICE's science and technology website (www.motherboard.vice.com).

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 10 business days.

Sincerely,

Caroline Haskins

Filed via MuckRock.com

E-mail (Preferred): 70518-96650453@requests.muckrock.com

Upload documents directly: https://www.muckrock.com/accounts/agency_login/milwaukee-police-department-653/palantir-documents-milwaukee-milwaukee-police-department-70518/?email=mpdopenrecords%40milwaukee.gov&uuid-login=f19eaf0d-3029-47d8-9b58-5b871412afd5#agency-reply

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News

DEPT MR 70518

411A Highland Ave

Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.